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CONSIDERATIONS

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ON THE

ESTABLISHMENT

OF A

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1788.

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ESTABLISHMENT

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PRINTED FOR THE
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CONSIDERATIONS,

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NO public sentiment has ever been more strongly expressed, than that general consternation and grief, which his Majesty's affecting situation has excited in the minds of a dutiful and loyal people. Such a calamity must at all times have been severely felt; but there are many circumstances which have rendered it peculiarly distressing in the present moment. It has come upon us suddenly, and without preparation; interrupting a course of the most unexampled prosperity, and disturbing that confidence in our public situation which had taken fresh root and vigour in the opinions of mankind. Our former quiet and security have by this event been changed to uncertainty and alarm; we are deprived by it of the inestimable advantages of a settled form and order of government, and involved in all the difficulties of a case nearly unprecedented in our annals, and wholly unprovided for by any positive regulation of our laws.

Unless some favourable turn should take place with respect to his Majesty's disorder, there may soon exist an unavoidable necessity of doing that, which must be painful to the feelings of every man—of making some tem-

porary provision for administering the executive power, during the suspension of its exercise in those hands in which the constitution of our country has lodged it. The public attention of this free community must therefore be directed to the discussion of this subject, although it be of such delicacy as is exceeded only by its importance ; and although, even from the discussion of it, many evils are to be apprehended.

It is however the part of a good citizen, neither to be dispirited by the misfortunes, nor intimidated by the dangers, of his country ; but rather to be animated by both, to the discharge of that duty, which he may feel incumbent upon him under such circumstances. This is a point, in the decision of which we are all highly concerned. Every Englishman is, therefore, bound to examine it with care and diligence, to form his opinion upon it deliberately and conscientiously, and to support that opinion by all legal and constitutional means, according to the measure of his abilities, and the situation of life in which he is placed.

In the discussions to which this subject leads, some reference will naturally be made to the history of former times, and to those precedents which may be thought to bear a resemblance to our present situation. But whatever respect is due to the information derived from these sources, the only rational use which can be made of it for our present purpose, is to examine what were the leading principles on which our ancestors proceeded in those cases ; and to enquire how far, and in what manner, those principles apply to the present crisis, under all the changes which the revolution of so many ages has produced. Nor ought we to go beyond this, in our adherence to precedents, or to follow now the practice of former ages, in points where the reason of that practice has ceased to operate.

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The objects to be attended to in our present proceedings, will best be collected from a consideration of the circumstances of that emergency by which we may be compelled to act. We are to establish such an intermediate form of administration as may be best adapted for carrying on the public business, during his Majesty's illness, with the necessary dispatch and energy; and for securing, as far as human wisdom can secure it, that whenever it shall please God to remove this heavy visitation from us, the Sovereign to whom we have sworn allegiance, and for whom we feel as one man the strongest sentiments of veneration, attachment, and gratitude, shall be effectually restored, not to the possession only, but to the exercise of his undoubted rights, which he enjoys for the benefit of his subjects, and of which he cannot be deprived, without an injury done to ourselves.

An Idea has indeed been thrown out, which, if it were founded in truth, would render any further reasoning upon these points useless and improper: It has been said by some, that in a case such as the present, the whole power, authority, and prerogative of the King, devolve immediately and of right to the person next in succession to the Crown, in the same manner as in the unfortunate event of a demise. The slightest acquaintance either with English history or with English law, is sufficient for enabling us to reject at once this notion, equally unwarranted and unjust. No trace of such a right can be found upon the records of Parliament, nor has any such opinion been cited from the works of any writer upon the British Constitution. On the contrary we shall find, that even in periods infinitely less favourable than the present for the assertion of the true principles of our Government, every interruption in the exercise of royal authority has uniformly been provided for in Parliament. The
principle

principle on which this practice has been grounded, is obvious and unquestionable. The order of hereditary succession to the throne of these realms, has been established among us, not for the advantage of any individual family, however entitled to our gratitude and veneration, but for the benefit of the nation, and for the security and happiness of millions: and undoubtedly it is a great blessing to us, that on the death of our Sovereigns, their Crown should descend, by a fundamental law of the state, in a known and settled course of succession; — but beyond this case, neither the law itself, nor the reason of the law, extend. During the life of a British King, no man can claim an *hereditary* right to the exercise of royal power, *nemo est heres viventis*. This is the known and acknowledged maxim of our laws, applying with equal force to every description of right or property, and to every rank and condition of men; and it is particularly to be observed, that at the æra of the Revolution, when the Commons appointed a Committee to maintain, in a conference with the other House, the true principles of that transaction, the great lawyers chosen for this important trust relied much on this very rule of law, which they then cited as applying to the case of the Crown, and as forming a material branch of their argument, in support of that vote which laid the foundation of all the subsequent proceedings.

If then this principle be true, that the hereditary right to the Crown, like every other right of inheritance, attaches only in the case of the death of the person in possession, the consequence cannot be disputed. In those extraordinary and unforeseen emergencies, when an interruption arises from other causes in the administration of this sovereign trust, it remains with the people to exercise a power which they have reserved, and to provide a
remedy

remedy adapted to the occasion which requires it. Such a right, if it were supposed to vest in the whole body of the inhabitants of a country, so as to be exercised by each of them individually, might justly be considered as one merely speculative. But in a free and well-ordered government, like ours, a regular channel is provided, through which the rights of the people may be exerted, according to the different orders of society established amongst us. The same mode, therefore, by which the nobility and commonalty of this realm exercise their share in the Legislature of their country, is naturally pointed out to us, as that by which they are also to perform the still more important function, of supplying the occasional deficiencies in the remaining branch of the Constitution, and of providing for the discharge of the duties of executive government.

In earlier periods of our history, when the comparative importance of the Commons was less than at present; and when their share in the legislative acts of our government was at least not so distinctly expressed, the Lords sometimes appear to have taken a more forward and leading part in such transactions as bear a resemblance to the present crisis. But even then, the consent of the Commons is almost always stated on our records, and probably was always given: and, upon the whole, this leading principle appears to have been invariably adhered to, that on any failure in the exercise of the royal authority during the life of the King, the deficiency could only be supplied by that body, in whom, conjointly with the King, the legislative power had resided.

The same principle applies with greater force to the present times, when the institutions of our government have been more developed, and are more distinctly understood.

stood. It is in Parliament that the people of Great-Britain exercise their share of the government. It is on Parliament that the care of providing for this emergency does unquestionably devolve; and that degree of authority, which it may be necessary to grant for this purpose, cannot be claimed as a right, but must be conferred as a trust, under such restrictions as may be judged advantageous to the people at large.

The proceedings in every case that can be found in our annals, bearing either resemblance or analogy to the present, have all been regulated in conformity to the maxims above stated. Sometimes the British Crown has descended on the heads of minors. The guardianship, both of the Sovereign and of his kingdoms, has in such case been granted under the sanction of Parliament, either by a previous authority given for that purpose by statute to the preceding King; or, in default of such provision, by actual nomination immediately after the demise. It is by no means true, that the person named to this important trust has always been the next in succession to the Crown, or indeed that any general rule has obtained to limit the discretion of Parliament. In one case*, where no previous parliamentary provision had been made, a claim of right was indeed urged by one of the relations of the King to the Regency of the kingdom during his minority. This claim was formally examined and disallowed by Parliament, who, "after long and great deliberation and
"advice, searching precedents of the government of the
"land in similar times and cases, when the Kings of this
"land have been of tender age, and taking information
"of the laws of the land from such persons as were

* See Rolls of Parliament, vol. iv. page 171, 1 Hen. 6.
See also *ibid.* p. 326, 6 Hen. 6.

"learned

"learned therein, finally found the said desire not grounded in precedent, nor in the law of the land*."

They afterwards, however, granted to the same person a more limited power, subject to the controul of a Council, and held under a title, conceived to be of less dignity than that of Regent; and upon these terms the office so granted was accepted and exercised by him, and again resigned at the requisition of the same authority.

In another instance†, the Monarch was alleged to be disqualified by disease from the exercise of his power. A Protector § was chosen by the Lords at the request of the Commons; and his power was, in like manner as in the preceding case, limited by Parliament, at whose pleasure his commission was made revocable, and by whom it was afterwards repealed‡.

At other periods of our history, our Sovereigns have been deposed for real or alleged misconduct. It is hardly necessary to say, that these cases are cited as bearing on the present question in one point only; namely, in shewing the power of Parliament in every case where the exercise of royal authority is suspended, and not as by any means resembling it, either in the particular occasion on which this power is so exercised, or in the nature or

* See Rolls of Parl. vol. iv. p. 326. and vol. v. p. 407, 408. &c. 5 H. 6.

† Rolls of Parl. vol. v. p. 239 to 242. 31 & 32 H. 6.

§ It is remarkable, that the Duke of York, in accepting his office, delivered in a paper to the Lords, in which he desires that it should be declared by the authority of Parliament, that they, "of their free and mere disposition," had named him to that office, and that he did not take it upon him from any presumption of himself, but in obedience to the King and to the peerage of the land; "in whom, by the occasion of the infirmity of our said sovereign Lord, rests the exercise of his authority." Roll. Parl. vol. 5. p. 242.

‡ Rolls Parl. vol. 5. p. 321.

extent of the measures to be adopted. But in all these instances, whatever has been done, has proceeded from Parliament alone: particularly in 1688, so far were Parliament from admitting that, by the abdication of James the Second, the exercise of royal power devolved to his next heir, that they vested it in King William alone; giving to Queen Mary herself only the title of Queen, without annexing any authority to it*, and even postponing the succession of the Princess Anne to the Crown till after his death. And this is a precedent, which, for the solemnity of the occasion, the regularity of the proceedings, and the happy consequences which have resulted from them, may, as far as it applies to the present case, be justly considered as affording the surest foundation for any measures which must now be taken.

The several particulars in which this last case, as well as those before cited, differ from the circumstances of the present situation, are sufficiently obvious. The principle has, however, been the same throughout, that the right of hereditary succession attaches only on the death of our Sovereigns, but that every other interruption in the exercise of royal authority must be especially provided for by Parliament. And if this has been done in the case of Monarchs who were adjudged to have forfeited their claim to the allegiance of their subjects, and who could therefore never be restored to their authority, how much more must Parliament feel it incumbent upon them to take into their own hands the measures which are now to be pursued; having, in addition to the duty of providing for the intermediate administration of the govern-

* This was so distinctly done, that when King William went over to Ireland, an Act of Parliament was necessary to enable the Queen to exercise royal authority during his absence. See Statute W. & M. c. 7.

ment, so important a trust to discharge, as the preservation of the rights of a Sovereign, so justly dear to the hearts of all his subjects, and who may, at any moment, be again in a situation to re-assume the exercise of his power, for the advantage and happiness of his people.

I have dwelt the longer upon this point, because the opinions which I have combated have been spread with confidence and industry; and because they are said, though with little probability, to have received the sanction of some legal authority. I am persuaded, however, that the discussion is, and always has been, wholly unnecessary; and that the illustrious person to whom it principally relates, has too just a regard to the rights of Parliament, and to the laws and constitution of his country, to have listened for a moment to such suggestions, if any such can have been made to him.

If then the right of Parliament to provide for this emergency be clearly established, the next question would naturally be, in what hands they ought to place that portion of executive authority which they may judge necessary for carrying on the government without prejudice to the rights of the King. On this subject two ideas naturally present themselves. The confiding this degree of authority to the hands of a single person, aided only by a Council of his own appointment, and subject to dismissal by him; or the vesting it in a Council of Regency, to be appointed by Parliament, and to be removed only with the consent of a majority of their own body. All the precedents, or almost all that can be found on the records of Parliament, incline to the latter of these two modes. If any subject in this country has ever exercised royal authority, without being subject to the controul of a fixed and permanent Council, it has been in times of such confusion and anarchy, that no argument can be drawn from it to any regulation of

settled government. While on the other hand, the principle of such a Council has been adopted in the most recent, and therefore the best, instances that we can resort to for the establishment of Regencies. I mean the provision made in the time of Queen Anne*, or the absence of her successor from his dominions, at the period of his accession, and the bills passed in the reigns of his† late and present Majesty‡, to provide for the case of a minority.

Yet, notwithstanding these considerations, there are circumstances which seem to make it desirable, supposing it can be done consistently with the important objects which have been stated, to lodge the trust now to be created, rather in the hands of a single person, and that person the Heir Apparent to the Crown, than in those of any Council to be named by Parliament. A constitution such as ours is, has always some tendency, on the one side or the other, to principles unfavourable to its continuance; and it is only by a minute attention to the least inclination of the scale, that its balance can be maintained. We have seen within a few years, at the period immediately preceding the dissolution of the Parliament in 1784, a struggle on the part of a powerful aristocracy to usurp to themselves, by a cabal in Parliament, the most unquestionable, and perhaps the most important branch of the royal prerogative, the nomination to the offices of executive government. And we all remember, that this attempt could no otherwise have been defeated, than by the fortunate union of the two other parts of our constitution, the legal power of the monarchy, and the prevailing voice and weight of

* See Stat. 6 Anne, c. 7. sect. 11.

† See Stat. 24 Geo. 2. c. 24.

‡ See Stat. 5 Geo. 3. c. 27.

the people. The present occasion is, certainly, in many respects, widely different from that which has been alluded to. There is now a temporary suspension of all monarchical authority; and the nomination of a Council by Parliament under these circumstances, would be at least a legal exercise of the power which has thus devolved to them, instead of being a direct infringement of the acknowledged rights of the Sovereign. But it should be the particular object of those who love the true constitution of their country, to guard, with the utmost jealousy, against the renewal of that principle which they have already combated with success.

We should remember, that the claim then set up against the Crown, although condemned at the time by the unanimous decision of the country, is nevertheless still maintained and defended by a considerable body of public men. At some future period it may be revived, even if the circumstances of the present moment render its supporters less anxious to bring it forward to public view. We cannot therefore be too careful that nothing should be done, especially at such a moment as the present, which might hereafter give countenance and support to a principle destructive of the very frame of the British constitution. And, notwithstanding the great difference in the present case, it is impossible not to see that such a conclusion might be drawn from this precedent, if Parliament should, on any other grounds than that of the most urgent necessity, proceed to name a permanent Council, although composed of men in whom the Sovereign and the people might best confide.

The danger is indeed so great, of suffering any individuals, of whatever description, to monopolize, directly or indirectly, the administration of public affairs, that nothing but the utmost exigency could render it justifiable. In addition to this we are to observe, that if, in the establishment

blishment of such a Council, the precedent of any former regency should be followed, the system so established, though strong for the ends of personal interest and ambition, would be weak and insufficient to any purpose of good government. The executive Officers of the Crown would almost inevitably be at variance with the Person representing the sovereign authority ; and this would happen at a time, when, on the one hand, his great natural weight and influence as Heir Apparent to the Throne would be much increased by his actual situation ; and when, on the other, the tenure by which they held their authority would enable them to retain a permanent possession of all the most important offices in the administration of public affairs. The consequences must be those of a confused and distracted government, wholly occupied with domestic intrigues and animosities, and incapable of attending, either to the maintenance of our internal prosperity, or to the preservation of our system of foreign policy, the foundations of which have so recently been laid. Whatever therefore may be the wishes of the Public, that the government may continue in the hands of his Majesty's present Ministers, this can be done with safety to the country by regular and constitutional means alone. By the concurrence of the Regent, both in the declared sentiments of the King, whose authority will be committed to him by a temporary delegation ; and in the wishes of the people, from whose hands he will have received so important a trust. Whether there is any reason or not to expect such a concurrence, the principle is equally binding. No attempt ought to be made, and we may hope that none will be made, by the present Ministers, to continue themselves in the possession of their offices by the appointment of Parliament, and independently of whatever may be established as the executive power.

power. They came into office on different grounds ; nor can they, in the present moment, better consult their own characters, or more effectually discharge what honour, gratitude, and duty require of them, than by providing every security for the preservation of the King's authority,—by providing none for the preservation of their own power.

The necessity of making a stand with respect to the former of these two objects, is indeed a point which cannot be too strongly insisted upon ; and this the rather, because, however important and indispensable a duty, it is nevertheless liable to misrepresentations, which every one would wish to avoid. It is easy to see with what advantages such a principle may be opposed, by adverting to considerations of personal character, and by making use of names which can never be mentioned or received but with respect and deference. But let no man on such grounds as these deceive himself, or be deceived by others into a neglect of that duty which he owes to his *Sovereign* and to his *country*. It is the very first principle of legislation in a free country, that those points which are essential to the advantage or security of the community, should rest on a more solid basis than that of personal confidence. We require even of our Kings, when they receive the homage of their subjects, that they should bind themselves by an oath to maintain our liberties, and to observe our laws. Not certainly that we mean, at such a moment as that, to express to our new Sovereign a distrust of his personal character ; but because we think it our duty to remind him of the nature of the trust which he undertakes, and, at the same time, to give additional security and sanction to that constitution which we are bound to maintain inviolate. Suppose that any man, at the beginning of a new reign, should desire us to dispense with
this

this oath as implying jealousy and distrust ; or, should advise us to repeal the statutes which secure our liberties, because the character of the new Prince might justly claim the confidence of his people — with how much reason would the author of such a proposal incur our indignation, for infusing into the mind of his Sovereign a distrust of the affections of his people ; and for setting the laws of his country at variance with the personal character of the Monarch ? In what respect will the conduct of those men be less exceptionable, who shall tell us, that no security can be necessary for preserving the rights of his Majesty, because no attempt against them can be suspected to proceed from the Prince ? We may all, as individuals, feel ourselves persuaded, that his Royal Highness is incapable of forming such a design. We may believe that he has penetration to discover, and firmness to resist the attempts of any party to mislead him into measures calculated either to establish *his* power in the place of his father's, or to establish *their own* power in the place of both. But as a legislative body, owing allegiance to their Sovereign and duty to their fellow-subjects, the two Houses of Parliament are bound,—not to suspect his Royal Highness, God forbid they should !—but to suspect and to guard against those who may become his advisers. They are no more at liberty to surrender at discretion, and on grounds of personal confidence, the authority of the King, and the interest which the people have in its preservation, than to yield up in the same manner the securities we enjoy for any other of our rights, for the trial by juries, or for our personal freedom.

If, then, we lay aside the apprehension of such unworthy imputations, and apply ourselves to examine this case as a point of history, or as a question of abstract reasoning, we must see that there is in the present instance
a stronger

a stronger necessity than in any former one, for securing with jealous attention the rights of the Sovereign. The more strongly it is contended, that the person now to be placed at the head of the Government should not, like every other Regent, be limited by the control of any permanent Council, so much the more is Parliament bound to look with jealousy to the manner in which the Counsellors whom he employs may advise him to exercise his power. Nor can that caution be deemed injurious now, which has not been deemed so in former ages, and in the case of so many illustrious persons, entrusted only with concurrent, and not with sole authority. It has indeed been said, that the object in those cases was, to provide a security for the rights of the person who was, at the expiration of the Regency, to enter upon the exercise of the Sovereign authority: but that here the caution would be unnecessary, because the power would reside in the hands of the Heir Apparent to the Crown. This reasoning can be valid only in the opinion of those who call a temporary indisposition by the inauspicious name of a demise. It can be of no weight with the people of England, who look with confidence to better hopes; to the prospect of the King's health being restored within as short a period as has been known in almost innumerable instances of private persons who have suffered for a time from similar attacks. If there were only a *possibility* that the prayers of the kingdom would be successful, even that possibility must destroy such an argument as that referred to. How much less shall we be inclined to give credit to it, when common experience shews, that the most probable event of the present case is that which every Englishman earnestly desires.

It is therefore the indispensable duty of Parliament, in providing for the present exigency, to allow no degree

of authority to be exercised, which shall be incompatible with maintaining the King in the possession of his rights, and enabling him to re-assume the exercise of them whenever his health shall allow it. The provisions requisite for this purpose are indeed so far from being inconsistent with the objects to which we should look in establishing an intermediate Government, that they form an indispensable part of any system of permanency and tranquillity in the country. If this point were unprovided for, and the case should afterwards occur, can any man believe that the people of this country would submit patiently to the consequences of such a neglect?—And might we not, on the contrary, by these means, instead of a strong Government, which is the language of some men, have secured to ourselves, in an event neither improbable nor perhaps distant, the certainty of confusion and tumult? It follows, therefore, not only that it would be unjustifiable, for the sake of giving strength and energy to the intermediate Government, to neglect making full provision for the preservation of his Majesty's rights; but that no strength or energy can exist in any such Government, unless the country feels that this essential object is secured.

With respect to the particular form and mode in which the Regent's power should be established according to these considerations, this is an object which might require a more detailed investigation than is consistent with the nature of this enquiry. The principles, however, which result from what has already been said, are sufficiently obvious, and it cannot be difficult to apply them to the several questions which may be expected to arise.

It will, in the first place, be clear, that whatever authority is necessary for carrying on the ordinary business of

of executive administration, must be granted to the person in whom we vest the intermediate Government, unless it can be shewn to be incompatible with the preservation of the King's authority. It will be equally evident, that no power ought to be so given, which is not necessary for the purpose above stated, even though it should not be injurious to the rights of the Sovereign; because the grant of any power whatever, in the present case, being entirely grounded on the necessity which calls for it, such a grant ought, on the one hand, to be made as nearly as possible co-extensive with that necessity; but should not, on the other hand, be suffered to reach beyond the foundation on which it rests.

In cases where these principles might appear to clash, and where the necessity of carrying on a present government might interfere with the duty of reserving to the King the full power to re-assume the exercise of his rights, the decision must be made according to the importance of the effects which might be produced on either side. But it may be said with confidence, that although this decision may in a few particular instances appear embarrassing, yet that, generally speaking, the two objects are far from being incompatible; and that the providing for both, is the only way to secure the tranquillity and good government of the country.

In addition to what has been stated, there is one incontestible maxim, to which the utmost regard is to be paid. The powers of an intermediate, temporary, and delegated authority, ought not to bind that which is primary, permanent, and original, except with regard to those acts only which are of the most absolute necessity, and which are in their own nature final and conclusive. Such, for instance, are the negotiations with foreign powers; such are also the nominations of judges, and of

a few other officers who must by law be appointed during good behaviour. We may safely admit these exceptions, without prejudice to the general rule, and in the fullest confidence, that his Majesty will in no case regret the consequence of a principle to which he himself gave additional force and efficacy in the very first moment of his reign*, by further securing the independence of the judges. But with these exceptions it may safely be asserted, that no power can with propriety be given to the Regent, in the present instance, to do any one act which the Sovereign may not revoke whenever he shall return to the exercise of his authority.

The force and evidence of these principles cannot be resisted by any just or solid argument. If they can at all be combated, it must be by opposing to them some general topics of the advantages of a strong Government. Such a mode of reasoning, if followed up to its true conclusion, would apply not only to overthrow the precautions which we may think necessary in this particular instance, but to destroy at once every security that has ever been established, in any Government, against the extent or the possible abuse of power. There is no doubt, that absolute and uncontrouled authority, not restrained by any laws, nor checked by any councils, nor liable to be questioned in any tribunals, would be to many purposes the strongest Government that could be devised. But the evils of this form are so intolerable, that there is hardly any country where it has not been found necessary to destroy something of the energy that would result from such a system, in order to provide for the more important ends, of the security of those who are governed, and the stability of those who govern. It is, therefore, now held

* See Stat. 1. G. 3. p. 23.

in almost every country in Europe, that the Sovereign must at least be bound by the laws which he has himself established. In these kingdoms, happily for us, we have proceeded a great deal further: we have provided, not only that the King should be bound by the law, but that the law should no otherwise be established, altered, or repealed, than by the whole body of the people acting in conjunction with the Sovereign, through the medium of that great national Assembly. No man can doubt, that by these provisions the energy of the British Government is, in many respects, very considerably weakened; although this inconvenience is much more than counterbalanced by innumerable advantages. This then is the principle of every Government, but more especially of ours, that its energy should not alone be considered, but that in any question relating to it, the benefits to arise on that account should be contrasted with the dangers to be apprehended on other grounds; and that on this comparison the decision should be formed. In the ordinary course of our Government this balance has already been examined, and the machine regulated according to it. If, in providing for an unforeseen emergency like the present, we should find, that an additional ground of danger arises from the very nature of our remedy, and that it is, perhaps, attended also with additional inducements to the abuse of power, the consequence unavoidably follows, that we must secure ourselves against these mischiefs, even at the hazard of destroying some degree of energy; in the same manner as our ancestors have secured us against many others, by a similar sacrifice.

We are then to observe, that in the present case, besides the provisions necessary for the preservation of the liberties of the people against the executive power, and against the attempts of powerful individuals in the country,

the country, we are to secure the executive power itself in those hands in which it is permanently vested, against the mischiefs that might result to it from the unrestrained exercise of an intermediate authority, should such exercise unfortunately be influenced by the counsels of interested and designing men. We are to do this, not merely for the sake of the Sovereign individually (though to him we have sworn allegiance and owe a positive duty), but for the sake of the people at large, whose security, whose tranquility, and whose liberties, are interested in preserving *his* rights inviolate and unimpaired.

If, for this purpose, it should be necessary in some degree to weaken the energy of the temporary government, we may regret this as a part of the calamity under which we are fallen: but we cannot certainly consider it as an object to which we ought to sacrifice so many interests infinitely more important. We may observe, in estimating the amount of this inconvenience, how much less it is, than the mischief of a similar nature to which Parliament has thought it would be prudent to submit in the case of other Regencies, in order to provide for the very object which we are now anxious to secure. We may consider, that in this instance a sole Regent would be appointed, unrestrained by any council of Regency; that the Administration acting under the illustrious person on whom the choice of Parliament will naturally fall, would possess, under such circumstances as the present, many sources of weight and influence which do not belong to the Government even of the Sovereign himself. We should also reflect, that even if under all these circumstances it should be the effect of the principles here stated to lessen in some degree the energy of Government, yet that the inconvenience of doing so is much less in such a moment as the present than at any other period. In times

of difficulty or danger there exists a greater necessity for vigour and exertion; but in a state of tranquillity, of domestic harmony, and of general prosperity, there can be no sufficient grounds for neglecting on this account the duties of allegiance and of justice, and thereby incurring a risk, such as has already been mentioned, and which, if it should turn against us, would at once destroy every favourable circumstance in our present situation.

These reasonings apply for the most part to any form of Government. But there is an additional consideration, which arises from the peculiar nature of our constitution, and which is therefore entitled to our particular attention.

The reasons have already been stated, which prove, that a permanency of power in the hands of any individuals in this country, to be held against the executive authority, is dangerous to the public welfare. If these apply even in such a case as the present, and induce us to render it at least possible that his Majesty may on his recovery find the Administration of his affairs in other hands than those to which he had confided them; they certainly are much more conclusive against allowing any other body of men to avail themselves of the interval, as against him, and to establish themselves in such a manner as might hereafter be prejudicial to his authority. Many of the means which might occur for this purpose would fall under the last of the principles above stated. But if there should be any others peculiarly applicable to our constitution, and capable of producing any such effect, it is to be hoped that the wisdom of the two legislative bodies, to whom we look on this occasion, will watch over these with a more than ordinary degree of caution; it should be remembered, with how much difficulty an attempt to establish the power of a confederacy in Parliament was defeated by our present Sovereign, in
the

the full exercise of his authority, and supported by the almost unanimous voice of his people. Whatever measures may appear on full consideration to be necessary to prevent a repetition of this evil, at a period so much more dangerous, cannot but meet the fullest assent, approbation, and support of every true Englishman.

There are some other points to be attended to, fully equal to the former in their importance, but perhaps less likely to be contested. Parliament must undoubtedly provide some regular channel of information, to the intent, that whenever it shall please God to restore his Majesty to the wishes of his people, the progress of his recovery may be known, and the interesting period ascertained at which we are to be again placed under his paternal care. Provision must also now be made for whatever solemnity such an occasion may be thought to require, and for the consequent cessation of all intermediate authority. It will also be the duty of Parliament, to secure and regulate the services of those whom his Majesty had before chosen to attend him; as well as to give the necessary aid and sanction to that affectionate care of his Majesty's person, which is so justly to be expected from HER, whose conduct has afforded the brightest example of domestic union and attachment.

These, however, are topics on which it is not necessary to enlarge. It is indeed much to be wished, that a respectful silence could have been observed with regard to the whole subject to which these considerations relate. Nor should they have ever been submitted to the Public in this form, if by avoiding the discussion of such questions, it had been possible to avoid the necessity of deciding upon them; or if the forbearance of one individual could have restrained the eagerness of many.

But

But as this subject has been daily brought forward into public view, and attempts have been made to prejudice the minds of the people upon it, in favour of opinions contrary to the first principles of truth and justice, it seems a point of duty, that some suggestions of a different nature should be submitted to the consideration of the country. This could no otherwise have been done, than with that freedom with which an Englishman accustoms himself to examine questions of great national importance: but it is hoped, that it has been done with moderation, decency, and temper; and above all, that nothing has been said repugnant either to those feelings which our common calamity has impressed on all our minds, or to those sentiments of personal respect, submission, and deference, which are due to all the branches of that illustrious family, under whose auspicious Government we have enjoyed a greater degree of prosperity than has fallen to the lot of any other nation in the annals of mankind. The object of these pages will have been completely answered, if they should at all contribute to settle, on constitutional principles, a transaction which is interesting to our present happiness, and which must form an important æra in our future history; or if they should be the means of preventing any step, which might hereafter occasion one painful sensation in the heart of a Sovereign, whose return to the exercise of his power we must all wish to be attended with as much ease to himself, as it will diffuse satisfaction and joy through every part of his dominions.

THE END.

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